

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEONARD DORANCE
OSTRANDER,

Plaintiff,

v.

ADAM GILLEY, *et al.*,

Defendants.

Case No. 23-10768

Honorable Matthew F. Leitman

Magistrate Judge Elizabeth A. Stafford

ORDER DENYING PLAINTIFF'S MOTION TO COMPEL (ECF NO. 61)

Plaintiff Leonard Dorance Ostrander sues defendant Adam Gilley alleging excessive force. ECF No. 56. The Honorable Matthew F. Leitman referred the case to the undersigned for all pretrial proceedings under 28 U.S.C. § 636(b)(1). ECF No. 52. Ostrander now moves to compel Gilley's production of bodycam footage and other documents. ECF No. 61.

Ostrander's motion must be denied because he did not make discovery requests before moving to compel. Ostrander "must comply with the federal rules of civil procedure and serve a request for production of documents or other discovery requests on defendants before bringing a motion to compel." *Williams v. Caruso*, No. 08-10044, 2008 WL 4389831, at *1 (E.D. Mich. Sept. 25, 2008). Gilley says that Ostrander sent a similar

discovery request in August 2023 to which he responded. ECF No. 63, PageID.367. But Ostrander's current motion was brought after the court reinstated his case and includes a new request for additional bodycam footage. ECF No. 51; ECF No. 61, PageID.364. And Ostrander moved to compel responses to discovery requests before the Court issued a scheduling order. "In pro se prisoner civil litigation, such as this case, discovery typically commences upon issuance of a scheduling order setting discovery and dispositive motion deadlines." *Brown v. Snyder*, No. 19-11325, 2020 WL 6342669, at *2 (E.D. Mich. Oct. 29, 2020).

Thus, Ostrander's motion to compel (ECF No. 61) is **DENIED**.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: April 1, 2025

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **"When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling**

remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 1, 2025.

s/Davon Allen
DAVON ALLEN
Case Manager